

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

OCT 26 P 3:34

STEPHEN C. DRIES  
CLERK

MILWAUKEE ELECTRIC TOOL  
CORPORATION, METCO BATTERY  
TECHNOLOGIES LLC, AC (MACAO  
COMMERCIAL OFFSHORE) LIMITED,  
and TECHTRONIC INDUSTRIES CO.  
LTD.,

Plaintiffs,

v.

SNAP-ON INCORPORATED,

Defendant.

Case No. 14-CV-1296-JPS

**SPECIAL VERDICT**

We, the jury, duly impaneled and sworn, for our special verdict in  
the above-entitled action, find as follows:

**I. INFRINGEMENT**

**A. Infringement of the '290 Patent:**

Claim 1 of the '290 Patent.

**Question 1:** Has Milwaukee shown that it is more likely than not that  
Snap-on's lithium-ion battery packs infringe Claim 1 of the '290 patent?  
Check "Yes" (finding for Milwaukee) or "No" (finding for Snap-on) with  
regard to each accused pack. (*For the Court's instructions on this question, see  
Section 2.1 of the Jury Instructions.*)

CTB8185

Yes ☒

No ☐

CTB8172

Yes ☒

No ☐

CTB7185	Yes <u>✓</u>	No <u>      </u>
CTB7172	Yes <u>✓</u>	No <u>      </u>
CTB6185	Yes <u>✓</u>	No <u>      </u>
CTB6187	Yes <u>✓</u>	No <u>      </u>
CTB6172	Yes <u>✓</u>	No <u>      </u>

**B. Infringement of the '173 Patent:**

Claim 1 of the '173 Patent.

**Question 2:** Has Milwaukee shown that it is more likely than not that Snap-on's lithium-ion battery packs infringe Claim 1 of the '173 patent? Check "Yes" (finding for Milwaukee) or "No" (finding for Snap-on) with regard to each accused pack. *(For the Court's instructions on this question, see Section 2.1 of the Jury Instructions.)*

CTB8185	Yes <u>✓</u>	No <u>      </u>
CTB8172	Yes <u>✓</u>	No <u>      </u>
CTB7185	Yes <u>✓</u>	No <u>      </u>
CTB7172	Yes <u>✓</u>	No <u>      </u>
CTB6185	Yes <u>✓</u>	No <u>      </u>
CTB6187	Yes <u>✓</u>	No <u>      </u>
CTB6172	Yes <u>✓</u>	No <u>      </u>

Claim 12 of the '173 patent.

**Question 3:** Has Milwaukee shown that it is more likely than not that Snap-on's power tools and associated battery packs infringe Claim 12 of the '173 patent? Check "Yes" (finding for Milwaukee) or "No" (finding for Snap-on) with regard to each accused pack. *(For the Court's instructions on this question, see Section 2.1 of the Jury Instructions.)*

CTB8185	Yes <u>✓</u>	No <u>        </u>
CTB8172	Yes <u>✓</u>	No <u>        </u>
CTB7185	Yes <u>✓</u>	No <u>        </u>
CTB7172	Yes <u>✓</u>	No <u>        </u>
CTB6185	Yes <u>✓</u>	No <u>        </u>
CTB6187	Yes <u>✓</u>	No <u>        </u>
CTB6172	Yes <u>✓</u>	No <u>        </u>

**C. Infringement of the '510 Patent:**

Claim 18 of the '510 Patent.

**Question 4:** Has Milwaukee shown that it is more likely than not that Snap-on's lithium-ion battery packs infringe Claim 18 of the '510 patent? Check "Yes" (finding for Milwaukee) or "No" (finding for Snap-on) with regard to each accused pack. *(For the Court's instructions on this question, see Section 2.1 of the Jury Instructions.)*

CTB8185	Yes <u>✓</u>	No <u>        </u>
CTB8172	Yes <u>✓</u>	No <u>        </u>
CTB7185	Yes <u>✓</u>	No <u>        </u>
CTB7172	Yes <u>✓</u>	No <u>        </u>
CTB6185	Yes <u>✓</u>	No <u>        </u>
CTB6187	Yes <u>✓</u>	No <u>        </u>

Dependent Claim 19 of the '510 Patent.

**Question 5:** Has Milwaukee shown that it is more likely than not that Snap-on's power tools and associated battery packs infringe Claim 19 of the '510 patent? Check "Yes" (finding for Milwaukee) or "No" (finding for

Snap-on) with regard to each accused pack. (For the Court's instructions on this question, see Section 2.1 of the Jury Instructions.)

CTB8185	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
CTB8172	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
CTB7185	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
CTB7172	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
CTB6185	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
CTB6187	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

## II. OBVIOUSNESS

**Question 6:** For each asserted claim of each asserted patent, has Snap-on shown by clear and convincing evidence that the claim would have been obvious to persons having ordinary skill in the art at the time of the invention? Check "Yes" (finding for Snap-on) or "No" (finding for Milwaukee). (For the Court's instructions on this question, see Section 2.2 of the Jury Instructions.)

'290 Patent Claim 1:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
'173 Patent Claim 1:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
'173 Patent Claim 12:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
'510 Patent Claim 18:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
'510 Patent Claim 19:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### III. WILLFUL INFRINGEMENT (IF APPLICABLE)

If you answered "Yes" with regard to any accused products in any of Questions 1, 2, 3, 4, or 5 and you answered "No" for at least one of the patent claims with regard to Question 6, please answer the following Question 7, otherwise DO NOT ANSWER Question 7. (*For the Court's instructions on this question, see Section 2.3 of the Jury Instructions.*)

**Question 7:** Has Milwaukee shown that it is more likely than not that Snap-on's infringement was willful?

Yes ✓ (finding for Milwaukee)

No \_\_\_\_\_ (finding for Snap-on)

### IV. DAMAGES (IF APPLICABLE)

If you answered "Yes" with regard to any accused products in any of Questions 1, 2, 3, 4, or 5 and you answered "No" for at least one of the patent claims with regard to Question 6, please answer the following Question 8, otherwise DO NOT ANSWER Question 8. (*For the Court's instructions on this question, see Section 2.4 of the Jury Instructions.*)

**Question 8:** What amount has Milwaukee shown it is entitled to as a reasonable royalty?

Reasonable Royalty: \$ 27,800,000.00

Dated at Milwaukee, Wisconsin, this 26 day of October, 2017.

A handwritten signature in black ink, appearing to read "Paul H. V." followed by a stylized flourish.

Foreperson